IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

Crl.MC.No. 116 of 2007()

CC.43/2005 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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PETITIONER: ACCUSED NO.1 TO 3

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1. HARILAL, AGED 32 YEARS, S/O. SIVASANKARAN NAIR, AMBATTU VEEDU, (SREEKRISHNA VILASOM), VALLIKODE P.O., KOZHENCHERRY.

2. SARADHA, W/O. SIVASANKARAN NAIR, AGED 59 YEARS, W/O. SIVASANKARAN NAIR, -DO- -DO-

3. N.SIVASANKARAN NAIR, -DO- -DO-

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS: COMPLAINANT

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1. SMT. T.D.PREETHA, AGED 24 YEARS, D/O. T.G.DIVAKARAN NAIR, THADASSERIL VEEDU, VELLIYARA P.O., AYIROOR VILLAGE, RANNI TALUK.

2. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

R2 BY PUBLIC PROSECUTOR SMT. LATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 116 of 2007

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Dated this the 16th day of January, 2007

O R D E R

After discussions at the Bar, in the light of the declaration of law in paragraph 12 of the decision in **Mahesh Chand** v. **Janardhan Reddy** ((2003) 1 SCC 734) and notwithstanding the fact that the reference made in **Kishore Kumar Gyanchandani** v. **Mehrotra & anr.** ((2001) 10 SCC 59) is repeatedly not answered so far, I am not satisfied that there is any legal infirmity in the learned Magistrate taking cognizance. The learned counsel for the petitioners, in these circumstances, submits that this Crl.M.C. may be dismissed as not pressed.

2. This Crl.M.C. is hence dismissed as not pressed. Needless to say, the option available to the petitioners to request the learned Magistrate to consolidate the two proceedings or to claim discharge shall remain.

(R. BASANT)
Judge

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